

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Jordan Mann,)	CIVIL ACTION NO.
)	
Plaintiff,)	07-CV-5691 (NRB/DF)
)	
v.)	
)	
Plus One Fitness; Trump World)	
Towers; “Robert” Doe;)	
Jamie MacDonald;)	
Does 1 – 10 inclusive,)	
)	
Defendant(s).)	
)	

**ANSWER TO CROSS-CLAIMS AGAINST DEFENDANT NAMED HEREIN AS
PLUS ONE FITNESS WITH AFFIRMATIVE DEFENSES**

DEFENDANT Plus One Holdings, Inc. (Plus One), named herein as Plus One Fitness, through its attorneys ~~MARTIN~~NORCROSS LLC, hereby responds to the allegations contained in the Cross-Claims as follows:

AS TO THE FIRST CROSS-CLAIM

1. Denies that any response to the paragraph numbered 89 of the First Cross-Claim is required to the extent that Cross-Claimant merely incorporates its answers to the allegations asserted in Plaintiff’s Second Amended Complaint. To the extent Cross-Claimant asserts allegations in said Answer, Plus One: (a) denies Cross-Claimant’s allegations that it had no involvement in or with Plaintiff’s employment with Plus One, the termination of that employment, or Plus One’s personnel decisions in connection with

Plaintiff; and (b) denies that Cross-Claimant took no ac(tion) in connection with Plaintiff's termination.

2. Admits the allegations contained in the paragraph numbered 90 of the First Cross-Claim.

3. Denies Cross-Claimant's characterization of the Management Agreement contained in the paragraph numbered 91 of the First Cross-Claim, and respectfully refers the Court and the parties to that document, the provisions of which speak for themselves.

4. Denies the allegations contained in the paragraph numbered 92 in the Cross-Complaint.

AS TO THE SECOND CROSS-CLAIM

5. Repeats and realleges its responses contained in paragraphs 1 through 4 above as though fully set forth in response to the paragraph numbered 93 of the Second Cross-Claim.

6. Admits the allegations contained in the paragraph numbered 94 of the Second Cross-Claim.

7. Denies the allegations contained in the paragraph numbered 95 of the Second Cross-Claim.

8. Admits the allegations contained in the paragraph numbered 96 of the Second Cross-Claim.

9. Admits the allegations contained in the paragraph numbered 97 of the Second Cross-Claim.

10. Denies the allegations contained in the paragraph numbered 98 of the Second Cross-Claim.

11. Denies the allegations contained in the paragraph numbered 99 of the Second Cross-Claim.

12. Denies the allegations contained in the paragraph numbered 100 of the Second Cross-Claim.

AS AND FOR A FIRST DEFENSE

13. The Cross-Claims are deficient as a matter of law for failure to comply with the pleading requirements of this Court.

AS AND FOR A SECOND DEFENSE

14. The Cross-Claims are barred, in whole or in part, to the extent that Cross-Claimant is deemed a joint-employer of plaintiff as a matter of law.

AS AND FOR A THIRD DEFENSE

15. Cross-Claimant's claims are barred or reduced to the extent that any damages it sustained were proximately caused by its own actions or omissions, by the acts or omissions of others for whom Plus One is not liable, or by independent intervening causes that Plus One did not control or have the right to control.

WHEREFORE, Plus One respectfully requests that the Court: (1) dismiss the Cross-Claims in their entirety; (2) deny each and every prayer for relief contained in the Cross-Claims; (3) order Cross-Claimant to pay to Plus One the costs, including attorneys' fees, it incurs incur in defending the meritless, vexatious, and frivolous Cross-Claims; and (4) award to Plus One such other and further relief as the Court may deem just and appropriate.

Yours, etc.

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By: /s/ Deborah Martin Norcross
Deborah Martin Norcross (DN0289)

February 21, 2008

CERTIFICATE OF SERVICE

I certify that on the 21st day of February, 2008, I electronically filed the foregoing **Answer to Cross-Claims with Affirmative Defenses** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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By: /s/ Deborah Martin Norcross
Deborah Martin Norcross (DN0289)

February 21, 2008